

## REMARKS

Claim 16 has been amended to more clearly recite the claimed invention. Support for the language “and protruding outward from the side wall” can be found in Figures 6 and 7 as filed and the description of the figures on page 18, lines 7-10. Support for the language in new Claims 38-45: “separate opening within the side wall” can be found in Figures 6 and 7 as filed and the description of the figures on pages 17 and 18. No new matter has been added herewith. The changes made to the Specification and Claims by the current amendment, including deletions and additions, are shown herein with deletions designated with a ~~striketrough~~ and additions underlined. The Examiner stated that Claim 19 was allowable should it be rewritten as an independent claim. Thus, Claim 46 includes the limitations of Claim 19 as well as the former independent Claim 16. As a result of the amendment, Claims 16-22 and 38-46 are presented for further examination.

### **Rejections under 35 U.S.C. §102(b)**

Claims 16, 18, 20-22, 24 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Nebel (US 862,008). More specifically, the Examiner believes that Nebel teaches a separating pot base (6) and side walls that define the melting zone cavity. The Examiner believes that the pocket (8) forms a collecting cavity.

Without acquiescing to the correctness of the Examiner’s analysis of the claim language, Applicants have amended the claim to include language specifying that the collecting cavity is: “protruding outward from the side wall”. The melting zone cavity is identified in Figure 6 and numbered as 68. It is clear from this figure that the melting zone cavity is the main cavity of the receptacle and the collecting cavity numbered as 76 is a cavity within the main cavity protruding outward from the side wall.

In contrast, the collecting cavity of the sampling vessel of Nebel does not protrude outward from the side wall, but, in contrast, contains an indentation which forms a pocket inward from the side wall.

To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). “Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of

ordinary skill in the field of the invention.” *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Thus, Nebel does not teach every element because Nebel does not teach a collecting cavity which a cavity within the main cavity protruding outward from the side wall and Nebel does not anticipate the claimed invention.

#### **Rejections under 35 U.S.C. §102(b)**

Claims 16-18, 20, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Ripich (US 2,479,641). More specifically, the Examiner believes that Ripich teaches a receptacle comprising a base (3) and side walls (2) forming a melting zone cavity. The Examiner believes that the indentation (113) forms a collecting cavity.

Without acquiescing to the correctness of the Examiner’s analysis of the claim language, Applicants have amended Claim 16 to include language specifying that the collecting cavity of the present invention is: “protruding outward from the side wall”. The melting zone cavity is identified in Figure 6 and numbered as 68. It is clear from this figure that the melting zone cavity is the main cavity of the receptacle and the collecting cavity numbered as 76 is a cavity within the main cavity protruding outward from the side wall.

In contrast, the collecting cavity of the sampling vessel of Ripich does not protrude outward from the side wall, but in contrast contains an indentation which forms a pocket inward from the side wall.

To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). “Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Thus, Ripich does not teach every element because Ripich does not teach a collecting cavity which a cavity within the main cavity protruding outward from the side wall and Ripich does not anticipate the claimed invention.

### New Claims 38-45

With respect to the new claims, Applicants would like the Examiner to note that independent Claim 38 specifies that the "side wall [has] a collecting cavity set into the side wall and [has] a separate opening within the side wall". Neither Nebel nor Ripich contains a collecting cavity as recited in Claim 38. In contrast, in both cases, the collecting cavity is formed by an indentation of the side wall. Thus, Neither Nebel nor Ripich anticipates the new claims.

### Conclusion

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claims set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any further questions, please contact the undersigned at the telephone number appearing below.

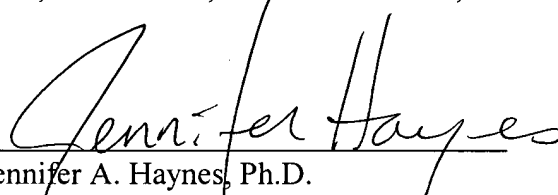
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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